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**DEFENDANT - SMF**  
**EXHIBIT 19**

Nancy Lewen  
December 23, 2019

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Civil Action No. 1:17-cv-148-SPB

\*\*\*\*\*

NANCY E. LEWEN,

Plaintiff,

v.

PENNSYLVANIA SOLDERS' AND

SAILORS' HOME (PSSH), et al.,

Defendants.

\*\*\*\*\*

TELEPHONIC DEPOSITION OF:

NANCY ELIZABETH LEWEN

CATUOGNO COURT REPORTING SERVICES, INC.

155 South Main Street, 2nd Floor

Providence, Rhode Island

December 23, 2019

9:54 a.m.

Ellen M. Muir

Court Reporter

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1 APPEARANCES:

2

3 Representing the Plaintiff (pro se):

4 NANCY LEWEN

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8

9 Representing the Defendants (via telephone):

10 OFFICE OF ATTORNEY GENERAL

11 1251 Waterfront Place

12 Mezzanine Level

13 Pittsburgh, PA 15222

14 BY: YANA L. WARSHAFSKY, ESQ.

15 (Deputy Attorney General)

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24

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I N D E X

WITNESS:

NANCY ELIZABETH LEWEN

EXAMINATION BY:

PAGE:

Ms. Warshafsky

4

EXHIBIT:

PAGE:

(None offered)

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1 NANCY ELIZABETH LEWEN, Deponent, having first  
2 been satisfactorily identified and duly sworn,  
3 deposes and states as follows:

4 EXAMINATION BY MS. WARSHAFSKY:

5 Q. Can everybody hear me okay?

6 A. Yes.

7 Q. Okay. Good morning, Ms. Lewen, as you  
8 know -- as you may remember my name is Yana  
9 Warshafsky, and I represent the defendants in this  
10 lawsuit, the only remaining defendant is Ms. Barbara

11 Raymond. You have filed a complaint in the case of  
12 Nancy Lewen versus Pennsylvania Soldiers' and  
13 Sailors' Home, et al., which has been docketed in the  
14 United States District Court for the Western District  
15 of Pennsylvania, a Docket No. 171478.

16 As I mentioned a moment ago, I represent  
17 Ms. Barbara Raymond, the only remaining defendant in  
18 this case. The remaining claims in this case are,  
19 No. 1, First Amendment, freedom of speech; and No. 2,  
20 First Amendment, retaliation claim under 1983 against  
21 Ms. Raymond. Before we begin this morning,  
22 Ms. Lewen, I want to set forth some of the ground  
23 rules for a deposition. I will be asking you  
24 questions about your lawsuit and the circumstances

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1 underlining your claims?

2 You have just been placed under oath.  
3 The court reporter, who is sitting next to you, will  
4 take down everything I say and everything you say, so  
5 we'll have a transcript of this when we are finished.  
6 The most important thing to remember is, especially  
7 because we're doing this by phone, is that only one  
8 person can speak at a time so the court reporter can  
9 record everything that is said. Does that make

10 sense?

11 A. Yes, it does.

12 Q. Okay. Could you please state your name  
13 for the record?

14 A. Nancy Elizabeth Lewen.

15 Q. Ms. Lewen, do you read, write and  
16 understand the English language?

17 A. Yes, I do.

18 Q. Is there anything that would prevent you  
19 from providing accurate testimony here today?

20 A. No, not that I'm aware of.

21 Q. Okay. Are you taking any medication that  
22 would prevent you from providing truthful or accurate  
23 answers?

24 A. I take a medication but I don't think

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1 that it would prevent me from -- no, it wouldn't  
2 prevent from me providing truthful answers.

3 Q. Okay. What about accurate answers?

4 A. No, that wouldn't prevent me from  
5 providing accurate answers.

6 Q. Okay. Very good. Ms. Lewen, if you  
7 provide an answer to a question that I have asked, I  
8 will assume that you understood the question. If you  
9 don't understand a question that I ask, please ask me

10 ~~to rephrase or clarify it. Does that make sense?~~

11 A. Yes.

12 Q. Okay. I don't anticipate this deposition  
13 going very long. But if you need to take a break at  
14 any time, please let me and Ellen, the court  
15 reporter, know so that we can accommodate your  
16 request. The only thing I ask is that if there is a  
17 question pending, you answer that question before we  
18 take a break. Does that make sense?

19 A. Yes.

20 Q. Okay. Do you have any questions about  
21 the process before we begin?

22 A. No.

23 Q. Okay. Ms. Lewen, have you ever been  
24 deposed before?

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1 A. No, I have not.

2 Q. I do know that you have testified in  
3 court proceedings before. Other than the court  
4 proceedings involved in this case, have you testified  
5 in court in other instances?

6 A. Yes, I have.

7 Q. Can you describe those events?

8 A. Child support hearings.

9 Q. Anything else?

10 A. ~~NO, I think that's all that I've actually~~  
11 testified in.

12 Q. And could you give me an approximate date  
13 of when the child support hearings took place?

14 A. From 1994 until 19 -- or until 2007.

15 Q. Got you. Okay. Because I can't see you,  
16 Ms. Lewen, did you bring anything with you this  
17 morning?

18 A. I brought just myself and my purse and my  
19 coat, which is beside me.

20 Q. Okay. You don't have any documents in  
21 front of you or anything?

22 A. No, I don't.

23 Q. What did you do to prepare for today's  
24 deposition, Ms. Lewen?



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1           A.     I tried to read through a lot of the  
2 different papers over the past few years. I spent  
3 the weekend looking at some things; there are so  
4 many, but I tried my best to look at the pertinent  
5 documents.

6           Q.     You just mentioned papers and then you  
7 mentioned pertinent documents. Could you be a little  
8 bit more specific about which documents you reviewed?

9           A.     The Facebook messages. The --

10          Q.     Is it the Facebook -- on, I'm sorry, go  
11 ahead.

12          A.     I read over the letter concerning patient  
13 dignity issues.

14          Q.     Are those the only two documents that you  
15 reviewed?

16          A.     No. I read more than that but I don't  
17 know the titles of them. I read over the document  
18 that I had written concerning facility contributory  
19 neglect.

20          Q.     Okay. And that's the anonymous complaint  
21 that you filed?

22          A.     It wasn't anonymous, no.

23          Q.     Did you have an opportunity to review  
24 your complaint?

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1           A.     No, I didn't. I did not review my  
2 complaint.

3           Q.     I will represent to you that in paragraph  
4 18 of your complaint -- and since you don't have it  
5 in front of you, it's difficult for me to show it to  
6 you. But I will represent that this is what your  
7 complaint says, as I will be reading from it.

8                     In paragraph 18, you allege "Plaintiff  
9 countered the neglect of duty allegation with an

10 ~~allegation of facility contributory neglect. then~~

11 filed a anonymous complaint with the Department of  
12 Health in December 2015, which resulted in four more  
13 deficiencies, including an F-Tag 309. Plaintiff  
14 then filed an anonymous complaint of elder abuse and  
15 neglect with the Pennsylvania Office of Attorney  
16 General."

17                     Ms. Lewen, are you testifying today that  
18 those complaints that you described as anonymous in  
19 your complaint were actually not anonymous?

20           A.     The one with the Department of Health was  
21 anonymous, but if I remember correctly, I think that  
22 the one to the attorney general's office -- well, I  
23 do remember correctly -- that was not anonymous.  
24 That was -- I gave my name with that and the criminal

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1 investigators called me in and interviewed me.

2 Q. Why did you identify the complaint -- or  
3 describe the complaint as anonymous in your federal  
4 complaint?

5 A. It was anonymous as far as I didn't tell  
6 Barbara Raymond or any of the defendants that I had  
7 filed it. But as far as to the attorney general's  
8 office -- to the Criminal Bureau of Criminal  
9 Investigation at the attorney general's office, I

10 gave my name for that.

11 Q. Okay.

12 A. I didn't mean for -- the one for the  
13 Department of Health was definitely filed anonymous.

14 Q. What is your definition of anonymous?

15 A. Not giving your name.

16 Q. Okay. So you used the anonymous to  
17 describe the Department of Health complaint as well  
18 as the Pennsylvania Office of Attorney General  
19 complaint. So did you or did you not give your name  
20 in either of those two instances?

21 A. I did not to the Department of Health. I  
22 did to the attorney general.

23 Q. Okay. So in paragraph 18 the portion  
24 describing the anonymous complaint is wrong?

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1           A.     I guess, by my own definition, yeah, then  
2 it was wrong. I used the wrong word to classify  
3 that.

4           Q.     Okay. And, I'm sorry, I believe you  
5 answered this but I just want to make sure. You did  
6 not review your federal complaint in preparation for  
7 today's deposition, is that right?

8           A.     No, I did not.

9           Q.     Okay. In addition to the documents you  
10 ~~just described to me, anything else that you did take~~  
11 a look at over the weekend in preparation for today's  
12 deposition?

13          A.     That was pretty much it.

14          Q.     Okay. Ms. Lewen, what's your date of  
15 birth?

16          A.     ██████████

17          Q.     Where were you born?

18          A.     Pittsburgh, Pennsylvania.

19          Q.     Did you graduate from high school?

20          A.     No, I did not. I got a GED.

21          Q.     What year?

22          A.     I was supposed to graduate high school in  
23 1984, but I got pregnant and I got married and moved  
24 overseas to an airforce base, and I got my GED in the

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1 year 1991.

2 Q. I'm not familiar with GED testing abroad?

3 A. No, no -- I'm sorry.

4 Q. Did you complete the requirements  
5 stateside or were you still abroad?

6 A. I was stateside. It was in South  
7 Carolina.

8 Q. Did you attend college?

9 A. Yes, I did.

10 Q. Which college did you attend?

11 A. I attended several colleges. I attended  
12 the -- the first one that I went to was Sumter County  
13 Community College in South Carolina. And I took some  
14 courses at the University of South Carolina, and I  
15 took -- I went to nursing school at Lamar University  
16 in Texas, and I've attended -- I got a bachelor's  
17 degree in sociology at Edinboro University of  
18 Pennsylvania.

19 Q. When did you graduate from Edinboro?

20 A. 2007.

21 Q. When did you obtain your nursing degree?

22 A. 1995.

23 Q. And that was in Texas?

24 A. Yes.

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1 Q. Okay. Did you have to take licensing  
2 exams after you completed your nursing degree?

3 A. Yes.

4 Q. And what were those exams?

5 A. That was the NCLEX.

6 Q. I'm sorry, could you say that again?

7 A. NCLEX, N-C-L-E-X.

8 Q. Can you -- I assume that that is an  
9 acronym for something?

10 A. Yes. I'm trying to think of what it  
11 would be the National Council of Licensing Examiners,  
12 or something like that.

13 Q. Okay. And were you -- after receiving  
14 your nursing degree were you an LPN or an RN, or what  
15 was your classification?

16 A. In Texas I was an LVN, which is licensed  
17 vocational nurse but that's the equivalent of an LPN,  
18 which I was an LPN in Pennsylvania, and then also in  
19 Rhode Island I was, a few years ago.

20 Q. Okay. So you graduated with your nursing  
21 degree; you took the exam. Did you pass them on the  
22 first try?

23 A. Yes.

24 Q. And did you begin working as a licensed

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1 vocational nurse in Texas?

2 A. Yes.

3 Q. How long did you work as a licensed  
4 vocational nurse in Texas?

5 A. For four years. And then I moved to  
6 Pennsylvania.

7 Q. So from 1995 to 1999, you worked as an  
8 LV -- vocational nurse in Texas?

9 A. Yes.

10 Q. ~~Then in 1999 you moved to Pennsylvania?~~

11 A. Yes.

12 Q. And did you need to take any additional  
13 licensing exam to be licensed in Pennsylvania?

14 A. No. It's the license by reciprocity.

15 Q. Reciprocity?

16 A. Yes.

17 Q. And so in 1999 you began working as a  
18 licensed practical nurse?

19 A. Yes.

20 Q. And where did you begin working in 1999?

21 A. I worked at a nursing home in Greenville,  
22 Pennsylvania called White Cliff Nursing Home.

23 Q. And how long did you work there?

24 A. About two years.



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1 Q. Where did you go from there? So it would  
2 be 2001.

3 A. From there I went to a nursing home  
4 called Autumn Grove Care Center, which was in  
5 Harrisburg, P-A -- or Harrisville P-A.

6 Q. Okay. And how long did you remain there?

7 A. About two years.

8 Q. Where did you go in 2003?

9 A. Then I went to a nursing home called  
10 ~~Grove Manor Nursing Home. And at that same time that~~

11 I was working there I also had gone back to school at  
12 Edinboro University and worked towards my bachelor's  
13 degree in sociology.

14 Q. The nursing degree that you obtained in  
15 1995 was that a Bachelor's of Nursing or an  
16 associate's degree?

17 A. Neither. Actually, to be technical about  
18 it, it's not actually a degree. It's a diploma.

19 Q. Okay. Could you please explain the  
20 difference, because I was operating under the  
21 assumption that you earned a degree in nursing?

22 A. No, I do not have a degree in nursing. I  
23 have a diploma in vocational nursing, which is the  
24 same thing as practical nursing.



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1 Q. How long was the program?

2 A. A one-year program.

3 Q. I see. Okay. In 1999 when you began  
4 working at the nursing home -- I think you said  
5 Greenville -- and then you switched in 2001, why did  
6 you leave? Why did you switch jobs?

7 A. Higher pay and a little bit closer to the  
8 home.

9 Q. Okay. And was that the same reason you  
10 switched jobs again two years later?

11 A. Yes.

12 Q. Did you have any disciplinary issues  
13 while working at any of those nursing homes that you  
14 identified?

15 A. No.

16 Q. \* Okay. While you were in the nursing  
17 home starting in 2003, when you began your bachelor's  
18 degree at Edinboro University, did you work full time  
19 and go to school full time?

20 A. Yes, I worked -- I worked -- it wasn't  
21 quite full-time hours. They paid me -- I worked on  
22 the weekend three, 12-hour shifts. I was working as  
23 a nightshift supervisor, actually, because they only  
24 had 59 residents, so an LPN could be a supervisor.

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1 And -- I'm sorry, what was the question? I lost my  
2 train of thought. What was the question?

3 Q. That's okay.

4 MS. WARSHAFSKY: Ellen, would you able to  
5 read the question back to us.

6  
7 \* (Question read)

8  
9 A. I was working 36 hours a week but getting  
10 paid for 40, and then I was going to school 15

11 credits per week -- I mean, per semester, however  
12 many hours that worked out to in a week was not a --  
13 I mean, you know how -- I'm sure you are aware of how  
14 college schedules work. It's not a full, eight-hour  
15 shift per day.

16 Q. Sure.

17 A. It was, you know, depending on what  
18 courses I was taking, it would be maybe three or four  
19 hours a day Monday through Friday.

20 Q. Okay. And you continued working at the  
21 nursing home until you obtained your sociology degree  
22 in 2007?

23 A. Actually, the last year there I took off  
24 and I just went to school.

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1 Q. Okay. So you quit working at the nursing  
2 home in --

3 A. '6.

4 Q. '6?

5 A. Yes.

6 Q. Okay.

7 A. I think it was the wintertime of 2005,  
8 slash, 2006. I don't know the exact date, but it was  
9 the wintertime of 2005 and 2006.

10 Q. After obtaining your sociology degree at  
11 Edinboro University what was your next employment?

12 A. My next employment -- my parents were  
13 declining in health. I went for the summer to Texas,  
14 and I worked for a staffing agency in Texas, Maximum  
15 Healthcare Staffing Agency. I worked in several  
16 nursing homes that were recovering from the  
17 hurricanes that had gone through there, Hurricane  
18 Katrina and Hurricane Rita, and the staffing, you  
19 know, a lot of the nurses had left the area.

20 So the nursing homes were being basically  
21 run by staffing agencies trying to rebuild, and so I  
22 did that. And then, also, I worked in the Texas  
23 State Penitentiary, staffing agency, and then I  
24 returned to Pennsylvania to go to grad -- I attempted

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1 to go to grad school at Edinboro University to get a  
2 master's degree.

3 Q. Before we get back to the attempted grad  
4 school, how long did you remain in Texas to take care  
5 of your parents?

6 A. For the summer.

7 Q. So just the summer of 2007?

8 A. Yes.

9 Q. And you worked at all of those places

10 just in the course of three months?

11 A. Yes. It was staffing agency, sort of one  
12 place this day; another place the next day.

13 Q. Oh, so you were being staffed by a  
14 staffing agency?

15 A. Yes. I was filling in.

16 Q. I see.

17 A. Nursing homes, home care as well, home  
18 healthcare and then the Texas State Penitentiary.

19 Q. So then you returned back to Pennsylvania  
20 in the fall of 2007?

21 A. Yes.

22 Q. And please explain to me what you mean by  
23 attempted to get into a master's program at Edinboro?

24 A. Well, I was accepted for the master's

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1 program and I went -- I was going to stay in the  
2 dorms, but I had -- it was a .22 caliber target  
3 shooting pistol that I knew I couldn't keep in the  
4 dorms, so I tried to store it with the campus police,  
5 which the first police officer that spoke to me said  
6 it wasn't a problem; and he wrote down the  
7 registration number and gave me a receipt for it and  
8 sent me on my way.

9 And then later that night the campus  
10 police chief, Chief Thomas Nelson, called me back in  
11 and interrogated me about it and told me that I had  
12 committed felonies and all kinds of stuff -- he and  
13 another administrator named Kahan Sablo were there,  
14 and they said if I just didn't say anything about it,  
15 they would just let me leave. And they paid for me  
16 to spend the night in a motel off campus, which I  
17 thought was very unprofessional, but, anyway, I did  
18 that.

19 I just left and later I complained about  
20 it and wrote letters and actually I tried to sue them  
21 in federal court as well as for civil rights  
22 violations; but I had waited too long to file it, so  
23 it was dismissed on statute of limitations.

24 Q. Okay. What master's degree were you

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1 attempting to pursue?

2 A. The Master of Arts and Social Sciences,  
3 M-A-S-S.

4 Q. Okay. Who was in Pennsylvania that  
5 caused you to return back to Pennsylvania from Texas?

6 A. My family. My daughters and my  
7 grandchildren.

8 Q. Okay. How many kids do you have?

9 A. I have a total of three, but I haven't  
10 seen my son since he was ten, and he's in his late  
11 20s now.

12 Q. Okay. Ms. Lewen, are you currently  
13 working in any capacity?

14 A. No, I'm not.

15 Q. Are you on disability?

16 A. Yes, I am.

17 Q. How long had you been on disability?

18 A. Since last May.

19 Q. And by last May we're talking about May  
20 of 2018 or May of 2019?

21 A. 2019.

22 Q. And what is the disability?

23 A. Posttraumatic stress disorder. And  
24 because of my age, they used the grid system and

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1 counted things like my old back injuries from  
2 nursing, knee -- arthritis in my knees.

3 Q. Okay.

4 A. And my age, as I said, age and  
5 educational level. As you are aware I suffered a  
6 nervous breakdown from these legal proceedings in the  
7 year 2016, '17 and the attorney for the defendant  
8 reported me to the Pennsylvania Board of Nursing, and  
9 they punished me for having a nervous breakdown; and

10 ~~my nursing license remains damaged forever with that.~~

11 Q. What do you mean damaged? Do you have an  
12 active nursing license right now?

13 A. No, it's suspended.

14 Q. When was it suspended?

15 A. I wish I had my paperwork in front of me.  
16 It was suspended -- it was suspended twice actually.  
17 Once was temporary and then I had to go see the  
18 psychiatrist for the state, Dr. Robert Webstein, and  
19 on his recommendation he said that he felt I couldn't  
20 practice nursing competently because of having a  
21 history of mental illness; and so they suspended it  
22 the second time last wintertime -- I'm sorry, I'm not  
23 trying to be deceptive. I just don't remember the  
24 dates.



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1 Q. No, that's okay. So it sounds to me like  
2 it was temporarily suspended at some point in 2017?

3 A. Yes.

4 Q. And then permanently suspended -- you  
5 were -- I guess, the suspension became permanent in  
6 2018?

7 A. 2018 or -- I think the actual order  
8 came -- it might have been 2019 by the time the  
9 actual order came. It's in --

10 Q. ~~And when you say the actual order, that~~  
11 was the adjudication order from the...

12 A. From the Board of Nursing.

13 Q. Department of States?

14 A. Right. From the Board of Nursing.

15 Q. And is that the one that you attempted to  
16 appeal and it was affirmed?

17 A. Right. Yes. My argument was because I  
18 had never done anything wrong as a nurse, they  
19 shouldn't have disciplined me based solely on the  
20 history of mental illness. But they said that --  
21 they felt that the testimony -- their expert  
22 witness's opinion was all the evidence that they  
23 needed. In his opinion, you know, I was not  
24 competent or whatever.



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1           Q.     Have you attempted to obtain a nursing  
2 license in Rhode Island since you've been living  
3 there?

4           A.     No, I have not. Honestly, I'm still  
5 traumatized by what happened with this situation. I  
6 mean, even just thinking about it right now, the  
7 thought of going and applying for a nursing license  
8 and having any of this happen to me again, my palms  
9 are sweating. I have not attempted to -- I have no  
10 ~~desire to ever practice nursing again or even to try~~  
11 to even attempt to get a nursing license.

12           Q.     Okay. After being terminated from  
13 Soldiers' and Sailors' on March 14, 2016, did you  
14 apply for any positions, any other jobs?

15           A.     No, I did not. I was trying really hard  
16 to get my job back at the Soldiers' and Sailor's  
17 Home. And then I had a nervous breakdown, as I said,  
18 pretty early into the legal proceedings.

19           Q.     I apologize for asking you about this,  
20 but it is part of my job. When you say "nervous  
21 breakdown," could you explain to me what happened,  
22 what resulted, if you went into a hospital facility  
23 or just give me an understanding of what occurred, if  
24 you can?

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1           A.     Well, the stress, you know, I couldn't  
2 believe that I was terminated and the stress of it  
3 caused me to not be able to sleep at night. And when  
4 I -- I get sleep deprivation psychosis, and it's  
5 happened to me before during stressful legal  
6 proceedings. Once was with -- when my son -- my son  
7 was, for lack of a better word, abducted. My  
8 ex-husband committed Interstate custody interference  
9 and he hid him in Florida. I had sent him on his  
10 ~~visit to Texas, and he owed me about \$50,000 in past~~  
11 due child support so he took him and hid him in  
12 Florida. And then I found him and tried to get him  
13 charged with contempt of court -- a long story; but,  
14 anyway, when I got wrapped up in that legal  
15 situation, I also had had a nervous breakdown. And  
16 then with the situation involving Edinboro University  
17 when I was involved in that legal situation, I had a  
18 nervous breakdown. And as I said, what happens to me  
19 is I get sleep deprived and then I get sleep  
20 deprivation psychosis. And I had said to the  
21 attorney for the DMVA, his name is Steven Bachinsky,  
22 I offered to donate my case for research -- for  
23 military research on the effects of bullying on  
24 people who have PTSD, and they did not accept my

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1 offer. They just continued to bully me and referred  
2 me to the board of discipline of my nursing license.

3 Q. When you say they continued to bully you,  
4 who are you referring to?

5 A. The defendants.

6 Q. Specifically with regard to Ms. Raymond,  
7 how did she bully you?

8 A. Actually, I don't think at that point she  
9 was acting through her attorney. But where the

10 ~~bullying would come in at was at that point really~~  
11 she should have entertained the idea of a settlement  
12 agreement. But she had the free attorneys defending  
13 her and so she didn't entertain anything like that.

14 Q. When you say "at that point," what point  
15 are you referring to?

16 A. At that point that was in the summer of  
17 2016.

18 Q. So after your termination?

19 A. Yes.

20 Q. Okay. So is it your testimony that she  
21 wasn't bullying you, but you felt bullied by others?

22 A. Through the attorney that was defending  
23 her, yes.

24 Q. Could you explain that to me. I don't

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1     **understand that.**

2           A.     Well, at the civil service hearing he  
3     actually just -- and at the unemployment compensation  
4     hearing, he was standing there yelling at me, or at  
5     least that's how I perceived it as the person sitting  
6     there, and I felt bullied; particularly, under the  
7     circumstances when they had the evidence in their  
8     possession showing that I had reported elder abuse.

9                     I had reported some very serious things,

10     ~~sexual assaults of elderly people in a nursing~~  
11     facility. I felt that they should not have  
12     approached it like that. There should have been a  
13     settlement agreement early, early, early on in this.  
14     But it was just piled on, one thing, you know -- and  
15     all the state government agencies just helped to pile  
16     it on.

17           Q.     Ms. Lewen, the elder abuse that you were  
18     referring to is that the same as the facility  
19     contributory neglect we talked about at the  
20     beginning?

21           A.     No. I had reported -- well, that I would  
22     say is actually neglect, which is a part of elder --  
23     it's a type of elder abuse, but what I was actually  
24     referring to was the sexual assaults that I reported

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1 to the attorney general's office.

2 Q. Okay. And that was the conversation we  
3 had in the beginning of the deposition about whether  
4 it was anonymous or not anonymous, right?

5 A. I guess.

6 Q. Well, do you recall that we spoke about,  
7 specifically, paragraph 18 of your federal complaint;  
8 and I asked you about the anonymous complaint of  
9 elder abuse and neglect with the Pennsylvania Office

10 of Attorney General, and then you explained to me  
11 that it was actually not anonymous because you had  
12 signed it with your name. So is that the abuse  
13 allegation we're talking about right now?

14 A. Yes, I made one report to the attorney  
15 general's office.

16 Q. Do you recall an approximate date of when  
17 you made that report?

18 A. I just looked at that this weekend also.  
19 It was around January of February of 2016, but they  
20 didn't call me in to interview me until June of 2016.

21 Q. Okay.

22 A. The day after my Pennsylvania civil  
23 service hearing was the day that I was interviewed by  
24 the Attorney General Bureau of Criminal

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1 Investigation.

2 Q. Okay. Do you recall what the outcome of  
3 that investigation was?

4 A. As far as I know the investigations is  
5 still ongoing. They have never contacted me and told  
6 me that they've completed it.

7 Q. Okay. Let's go back to the time period  
8 immediately following your departure from the  
9 Soldiers' and Sailors' Home. How long were you  
10 employed there?

11 A. I was employed there from the fall of  
12 2014 until the spring of 2016, about a year and a  
13 half.

14 Q. Okay. Did you have any retirement  
15 benefits that vested during that period of time?

16 A. Yes, I did.

17 Q. Are you collecting those retirement  
18 benefits right now?

19 A. They send it to me as -- they  
20 automatically deposited it, I believe it was, a long  
21 time ago in 2016.

22 Q. So was it the one-time payment?

23 A. Yes.

24 Q. Do you remember how much it was?

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1 A. Not exactly. It was a few thousand  
2 dollars.

3 Q. Okay. And what about a pension. Did you  
4 receive any pension benefits during your one and a  
5 half years at the Soldiers' and Sailors' Home?

6 A. That's what they -- that was included in  
7 that. I was vested for a pension, but I don't have  
8 that now. They've refunded that, or they paid me for  
9 that.

10 ~~Q. So the retirement and the pension are one~~  
11 and the same?

12 A. Yes.

13 Q. And that was a one-time payment right  
14 after you left?

15 A. Within a few months after I left, yeah.

16 Q. Okay. I know that you had applied for  
17 unemployment benefits and those were declined. Did  
18 you ever receive unemployment benefits?

19 A. No.

20 Q. Ms. Lewen, when you first started working  
21 at the Pennsylvania Soldiers' and Sailors' Home in  
22 2014, were you made aware of certain policies  
23 regarding standards of conduct and employee conduct?

24 A. Yes.



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1 Q. More specifically, at the time that you  
2 begin your employment with the Pennsylvania Soldiers'  
3 and Sailors' Home, were you familiar with the DMVA  
4 Standards of Conduct and Work Rules, the Workplace  
5 Violence and Workplace Bullying Prevention Policy and  
6 Management Directive, 205.33, which is workplace  
7 violence.

8 A. Yes, among others. There was many, many  
9 policies that they had you read and sign.

10 Q. ~~Okay. Do you recall whether you read and~~  
11 signed all of the ones that you were required to read  
12 and sign?

13 A. Yes, I did.

14 Q. Did you read them to the point where you  
15 had an understanding of them?

16 A. I believe so, yes.

17 Q. Okay. Correct me if what I am about to  
18 say is wrong. On October 8, 2014, you completed  
19 training in discrimination and sexual harassment  
20 prevention, is that true or false?

21 A. I would have to agree with you. Without  
22 seeing it in front me, I would have to just take your  
23 word that it's something that I signed for.

24 Q. Do you have an independent recollection



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1 of completing a training dealing with discrimination  
2 and sexual harassment prevention?

3 A. I have a recollection of completing all  
4 of the required policy training. There was a lot of  
5 them, back injury prevention training, you know, the  
6 standard things that you, you know, read and sign or  
7 watch videos on when you're hired at a place.

8 Q. Okay. And those trainings include  
9 Standards of Conduct and the Commonwealth IC,  
10 ~~Resource of Acceptable Use or Policy, things like~~  
11 that as well?

12 A. Yes.

13 Q. When you began your employment at the  
14 Pennsylvania Soldiers' and Sailors' Home, were you  
15 provided with certain relevant policies and  
16 handbooks?

17 A. I don't actually remember being provided  
18 with a handbook. But I probably was because I  
19 believe that they do give you a handbook when you're  
20 hired.

21 Q. If you recall, Ms. Lewen, did you sign  
22 this particular handbook acknowledging your receipt  
23 of it and your review of it?

24 A. I don't recall doing that but I probably

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1 did.

2 Q. Were there subsequent verses of this  
3 handbook that you had to review during your  
4 one-and-a-half years of employment at the  
5 Pennsylvania Soldiers' and Sailors' Home?

6 A. I don't recall there being different  
7 verses of it. No, I don't recall.

8 Q. Okay. Ms. Lewen, when you first began  
9 working at the Pennsylvania Soldiers' and Sailors'

10 home in 2012, what was your title; what was your  
11 position?

12 A. Licensed practical nurse.

13 Q. And what were your responsibilities?

14 A. Supervision of nurse assistants, pass  
15 medications, performing treatments, documentation of  
16 the care provided; the standard things that a  
17 licensed practical nurse does in a nursing home.

18 Q. And were those the standard things that  
19 you, as the licensed practical nurse, did at the  
20 nursing home?

21 A. Yes.

22 Q. Who was your supervisor when you first  
23 began working there?

24 A. Raymond Ham.

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1 Q. Did you receive any promotions while  
2 employed at the Pennsylvania Soldiers' and Sailors'  
3 Home?

4 A. No.

5 Q. Did you receive any demotions while you  
6 were employed there?

7 A. No.

8 Q. Did your responsibilities change during  
9 the year-and-a-half time that you spent working  
10 there?

11 A. No.

12 Q. Okay. In paragraph 17 of your complaint,  
13 and again, I understand you did not review it and you  
14 don't have it in front of you, but if you would just  
15 take my word for it, you claim that you were accused  
16 of, quote, neglect of duty." Do you recall that in  
17 your complaint?

18 A. Yes.

19 Q. Who accused you?

20 A. It was the Department of Military and  
21 Veterans Affairs and -- Barbara Raymond had -- I  
22 assume she was the administrator of the facility, and  
23 I know that in her answers to the interrogatories  
24 she's tried to kind of shift the blame from herself

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1 on that. But it was the administration, let's just  
2 say, of the Soldiers' and Sailors' Home, involving an  
3 incident where a woman -- when the state came in for  
4 their information in November of 2015, the State  
5 Department of Health, and there was an issue with  
6 skin breakdown on a patient that they had discovered  
7 that happened in August of 2015. It was a skilled  
8 unit, Unit B, that I didn't normally work on and --  
9 but because of the fact that I had been one of the  
10 ~~nurses that had been involved in working on that unit~~  
11 during a certain time period, I was one of the nurses  
12 who was disciplined. There was a bunch of nurses  
13 that were disciplined; because of the fact that we  
14 got cited, that was part of the administration's plan  
15 of correction was to discipline nurses.

16 Q. Do you remember what the citation was  
17 for?

18 A. The citation was because the woman's skin  
19 had broken down and the particular night, it was the  
20 night of -- the night that I worked -- Like I said, I  
21 didn't normally work on that unit -- but the night  
22 that I worked it was the night of August 31st going  
23 into September 1st.

24 Q. Of 2015?

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1 A. Yes.

2 Q. Okay.

3 A. And there was a patch on the woman's  
4 buttocks that was supposed to have been checked or  
5 changed that night and I missed it. I didn't lie and  
6 say that I did it and I didn't do it and not document  
7 it. I completely missed it, because I was quite  
8 overwhelmed that night. I had 75 patients as a  
9 treatment nurse. And it was also the night of the

10 ~~changeover of the end of the month you change your~~  
11 books over to the next month, and there's always a  
12 lot of chaos on changeover night.

13 And then coupled with that -- on top of  
14 that was the fact that I was working on a unit that I  
15 wasn't familiar with, and I had 75 patients that I  
16 was in charge of as a treatment nurse. And so I just  
17 missed it as a human error; and I felt, you know,  
18 that's when I responded with the allegation of  
19 facility contributory neglect because I felt like it  
20 wasn't neglect on my part.

21 There was also -- some accountability for  
22 that should be placed on administration for assigning  
23 that type an assignment to a nurse. I think the  
24 other nurses all just took their discipline and

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1 sucked it up, and they're probably still working  
2 there, but I didn't. I just felt like I couldn't  
3 agree that I was the one that was guilty of neglect  
4 that night. I tried my best under the circumstances.

5 Q. Okay. And what was the nature of the  
6 discipline that you received that day?

7 A. Well, like I said, at first they tried to  
8 say neglect. They tried to charge all the nurses  
9 with neglect of duty. And then I responded with that  
10 ~~allegation of facility contributory neglect and then~~  
11 they gave me a lesser discipline of oral reprimand.  
12 I don't remember exactly how they worded it, but it  
13 was like a lesser charge.

14 Q. Okay. Going back to my initial question  
15 about this regarding who specifically accused you;  
16 you said it was the administration. Was there an  
17 individual specifically that accused you?

18 A. I don't remember. But as I said it was  
19 administration. I don't know whose actual signature  
20 was on that.

21 Q. Okay. Did anybody speak to you about  
22 this?

23 A. Again, I don't want to say -- if I  
24 remember correctly, I think that the way that they

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1 handled those things was that your immediate  
2 supervisor signed it. I think -- if I remember --  
3 you know, my recollection, I don't know. But I think  
4 that that's why I remember that it was your immediate  
5 supervisor that actually doled out the discipline  
6 that had been determined by the administration.

7 Q. Okay. So that would have been Raymond  
8 Ham?

9 A. Raymond Ham or Carolyn Williams, if I  
10 remember correctly. As I said I don't really  
11 remember whose signature was on it. But whoever --  
12 if it was a supervisor's signature, it wasn't just  
13 some sort of a discipline that that supervisor had  
14 decided to do. It was because administration had  
15 told them to do.

16 Q. Okay. In the next paragraph, we talked  
17 about it in the beginning, that was paragraph 18, was  
18 the anonymous and the confusion that we had with the  
19 definition of the word?

20 A. Uh-huh.

21 Q. You indicated that you countered the  
22 neglect of duty allegation with an allegation of  
23 facility contributory neglect. You mentioned in your  
24 complaint -- you refer in your complaint that it was



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1 an anonymous complaint that was made. Is it your  
2 understanding that at some point the administration  
3 found out that it was you who made this anonymous  
4 complaint -- I'm sorry, anonymous claim of facility  
5 contributory neglect?

6 A. If I have heard that that was done  
7 anonymously, I didn't mean to have -- I didn't do  
8 that anonymously. I handed it to my supervisor,  
9 Raymond Ham.

10 Q. Okay. We need to clarify this. Because  
11 in the beginning of this deposition, you confirmed  
12 for me that the complaint filed with the Department  
13 of Health on December 2015 alleging facility  
14 contributory neglect was anonymous?

15 A. I'm sorry, the complaint that I filed  
16 with the Department of Health was not facility  
17 contributory neglect. The complaint that I filed  
18 with the Department of Health that resulted in the  
19 four more citations it was on some things that had  
20 happened involving neglect. And in one case I  
21 believe one of the citations was, I reported because  
22 blood had been withdrawn from the wrong patient, and  
23 the family and the doctor had not been notified.

24 But the facility contributory neglect,



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1 that's a typewritten document that I handed in to  
2 Raymond Ham to the administration there, that wasn't  
3 what I gave to the Health Department, that was  
4 completely different.

5 Q. Okay. So the facility contributory  
6 neglect was a document you handed to Raymond Ham,  
7 your supervisor?

8 A. Right.

9 Q. That was known to be from you?

10 A. Yes.

11 Q. Okay. So then there's an anonymous  
12 complaint that you subsequently filed with the  
13 Department of Health in December of 2015 that was, in  
14 fact, anonymous?

15 A. Yes, that was anonymous.

16 Q. Okay. Understood. Thank you for  
17 clarifying that, Ms. Lewen?

18 A. You're welcome.

19 Q. Ms. Lewen, in paragraph 26 of your  
20 complaint, you claim that you were not offered  
21 progressive disciplinary procedure. Can you explain  
22 to me what that means?

23 A. As far as when I was terminated there was  
24 no progressive discipline involved in that.

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1           Q.     What does the phrase "progressive  
2     discipline" mean?

3           A.     Like, three-strikes-you're-out-type  
4     thing, you know, warn a person and then maybe give  
5     them an oral warning and then give them a written  
6     warning and then, you know, eventually there was no  
7     more warnings; and you're terminated or whatever.  
8     But there was nothing like that. She just wanted me  
9     out of there fast.

10          ~~Q.     Why did you believe that you were~~  
11     entitled to a three-strikes-you're-out approach?

12          A.     Common business courtesy.

13          Q.     You were terminated due to workplace  
14     violence, is that correct?

15          A.     That's what they say, yes. I had voiced  
16     concerns about workplace violence, and they say that  
17     I, myself, actually threatened workplace violence.

18          Q.     Do you recall during a PDC talking about  
19     it not being out of the realm of possibility of  
20     bringing a gun into the workplace?

21          A.     What I had said was -- I had been a  
22     victim of workplace violence in the workplace. And  
23     what I had said was they should -- I'm just  
24     paraphrasing this -- but what I had said was that

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1 they should be careful about the existence of  
2 workplace violence there by supervisors, because  
3 these are the types of situations -- rhetorically  
4 speaking, hypothetically speaking -- these are the  
5 types of situations where people go postal, is what I  
6 said. And, you know, from the get-go, because they  
7 needed to come up with some sort of protectural (sic)  
8 reason to terminate me, that was, you know, one of  
9 the things that they said was that I had alledgedly

10 threatened to go get a gun and shoot people in the  
11 workplace. So -- go ahead. I'm done.

12 Q. No, please finish.

13 A. I think I'm done actually.

14 Q. Okay. You said that you were subjected  
15 to workplace violence. Who subjected you to  
16 workplace violence?

17 A. There was a supervisor named Deborah  
18 Cabreira, the day shift supervisor and right at shift  
19 change at the end of the night shift going onto the  
20 day shift, I had gone into the supervisor's office to  
21 ask for an order for -- a patient's skin was  
22 macerated -- actually, I think I answered this  
23 already in the interrogatories that you had sent me.  
24 But I'll answer it again, a shortened version of

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1 that.

2 I had gone into the office looking for an  
3 order that I needed for a patient and the day shift  
4 supervisor, Deborah Cabreira, screamed at me, you  
5 know, and called me stupid -- and I don't even  
6 remember what all -- but then within a few minutes or  
7 so, maybe within a half an hour of that, she sought  
8 me out and she apologized, and she said that it was  
9 because of the stress of Barbara Raymond was coming

10 ~~down on her, the stress of the facility atmosphere~~  
11 following the Department of Health inspection that  
12 had occurred in November. She said that she didn't  
13 mean to take it out on me and, you know, she  
14 apologized. It was just the stress level in the  
15 facility.

16 So then after that was when I had said to  
17 Barry Blazek, in the off-duty Facebook messages, I  
18 said something to the effect of she apologized, but  
19 this is something that they need to address in this  
20 workplace. When you have the supervisors going  
21 around acting like this towards people --  
22 rhetorically speaking, hypothetically speaking,  
23 whatever -- this is the type of things that makes  
24 employees go postal in the workplace. This is

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1 what -- they need to address this.

2 Q. Do you remember when this event was with  
3 Ms. Cabreira occurred?

4 A. It was in December. And those  
5 interrogatories that you sent me that I answered I  
6 put the exact date, because I looked it up.

7 Q. And this is December of 2015?

8 A. Yes. I think it was the winter of 2015.  
9 I believe, it was the December.

10 ~~Q. Tell me about the oral reprimands that~~  
11 ~~you received on December 15, 2015?~~

12 A. That was stemming from that incident  
13 where -- I would have to see it actually, because  
14 there was some other thing that a lot of the nurses  
15 had gotten disciplined about too. It was an incident  
16 that was stemming from those citations that we had  
17 gotten by the state.

18 Q. You had mentioned when we talked about  
19 the citations earlier that the discipline was  
20 lessened to an oral reprimand. Do you think maybe  
21 that is the oral reprimand?

22 A. I do. I think that was it.

23 Q. Okay.

24 A. I never got disciplined up until I, you

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1 know, filed that allegation of facility contributory  
2 neglect. But I'm pretty sure that that was the same  
3 incident.

4 Q. Okay. Could you please tell me about the  
5 written reprimands that you received on February 24,  
6 2015?

7 A. I don't remember that, to be quite  
8 honest. I know that there was something. And,  
9 again, it was something that -- it wasn't just me  
10 that was involved in the reprimand. There was other  
11 nurses as well, but I don't remember the exact  
12 incident that it pertained to.

13 Q. Okay. Do you remember anything about  
14 that written reprimand?

15 A. I do vaguely remember it, yeah. It  
16 seemed to me that they were starting to try to  
17 look -- they considered me a troublemaker at that  
18 point because I was saying things about insufficient  
19 staffing and the sexual assaults, dignity issues and  
20 whatnot; and I really -- I do remember that but I  
21 don't remember what it was about.

22 Q. Okay. And to whom are you making these  
23 complaints about insufficient staffing and sexual  
24 assault?

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1           A.     Well, the sexual -- the resident dignity  
2 issues involving sexual relations, that was in an  
3 e-mail that was distributed to all of the nursing  
4 staff addressed to Kevin McGloughlin, the assistant  
5 director of nurses. What I was saying was that these  
6 people -- they were trying to say that they were care  
7 planned to be appropriate for having sexual relations  
8 with each other or something, but I mentioned that  
9 some of them I thought were actually victims of  
10 ~~sexual assault because they weren't cognitively able~~  
11 to consent to sexual relations.

12           Q.     With other patients?

13           A.     With other patients, yes.

14           Q.     Did you receive a response to that  
15 e-mail?

16           A.     No, Not directly.

17           Q.     What do you mean "not directly"?

18           A.     I think that the response that occurred  
19 to all of my concerns was that she terminated me.  
20 She, you know, fabricated these protectural (sic)  
21 reasons. She took advantage of a co-worker who was  
22 going through a divorce, and he was missing a lot of  
23 work. I'm talking about Barry Blazek. She took  
24 advantage of that situation and had him suddenly be



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1 her star witness in this thing to terminate me.

2 Q. Who is she?

3 A. Barbara.

4 Q. Okay. Did you send Barry Blazek Facebook  
5 messages?

6 A. Yes, I did.

7 Q. Were there numerous messages that were  
8 sent that he did not respond to?

9 A. Yes, there were.

10 Q. ~~And when eventually he did respond, did~~

11 he indicate to you that he did not wish to  
12 communicate with you anymore because he felt  
13 uncomfortable?

14 A. Well, what had -- he responded. We had  
15 said that we were going to go on an outing to the  
16 Cleveland Museum of Art. And then he did  
17 conveniently respond and say that -- I guess, I used  
18 the date word instead of saying calling it an outing  
19 or something like that. I used the date word, which  
20 scared him. As the way that he testified at the  
21 civil service hearing, he said that that scared him  
22 when I used the date word, so then that's when --  
23 he wasn't involved -- he wasn't interested in going  
24 on an outing anymore to the Cleveland Museum of Art.



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1           Q.     Okay. Were there other sexually explicit  
2     messages that you sent to Mr. Blazek that he did not  
3     respond to?

4           A.     No. And I think that something that  
5     needs to be put on the record, if you recall, and  
6     maybe you don't recall, around that time period the  
7     then adjutant general of the Department of Military  
8     and Veterans Affairs' name was Joseph James or James  
9     Joseph, one or the other.

10                     And he had been suspended for an  
11     anonymous letter alleging sexual assault against him  
12     and then, eventually, he did resign; and that's when  
13     Anthony Carrelli came in. And in the workplace  
14     because of that and then, also, because of these  
15     sexual encounters between the residents going on, a  
16     lot of the people in the workplace, not just me, were  
17     making sexual innuendos, and I think --

18           Q.     To who?

19           A.     Just to each other, just about anything,  
20     just sexual innuendos, you know. So, you know, this  
21     whole thing they tried to make it seem like I was  
22     sexually harassing Barry Blazek. If you read through  
23     the Facebook messages, I never sexually harassed  
24     Barry Blazek.

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1 Q. Do you understand that he felt like you  
2 may have sexually harassed him?

3 A. I think that Barry -- first of all, you  
4 would have to go back to what was going on in his  
5 life as far as --

6 Q. I understand that, Ms. Lewen, and I'm  
7 sorry to interrupt you, but we're not talking about  
8 what's going on in his life. We're talking about  
9 what went on in yours.

10 A. ~~But it's important for the context,~~  
11 though. It's important for the context. He was all  
12 over Facebook talking about how upset he was from --  
13 his ex-wife had cheated on him and, you know, left  
14 him for another man. She committed adultery and he  
15 was very upset. And I was trying to tell him that,  
16 you know, just because this woman hurt you that way,  
17 you know, get over it, move on. He's missing so much  
18 work. He was in trouble, you know, and I was trying  
19 to raise his self-esteem. I was trying to be helpful  
20 to the man.

21 Q. Were you friends with him before he  
22 started experiencing marital troubles?

23 A. Oh, yeah, we were friends. I mean, I  
24 would say worker friends. We weren't best friends,

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1 no, but we were co-worker friends.

2 Q. Why did you think that sending him links  
3 to websites showing different sexual positions was  
4 going to help him deal with the adultery that his  
5 wife allegedly committed?

6 A. Actually, I'm going to object to that on  
7 the grounds of relevance.

8 Q. I appreciate the objection, but this is a  
9 deposition and pretty much, if you can answer the  
10 ~~question, I would ask for you to answer the question.~~

11 A. Again, that wasn't directed toward Barry  
12 Blazek. Okay, all of --

13 Q. So the messages --

14 A. Many of the people in the Soldiers' and  
15 Sailors' workplace at that time were speaking to each  
16 other in sexual innuendo's as a joke, maybe as a way  
17 of coping with what was going on. Many of us were  
18 not happy with the fact that these, you know,  
19 patients were being sexually assaulted and maybe, you  
20 know, I don't know. I don't really know what to say  
21 to defend myself about that. But I think as I said,  
22 that's part of the protectural (sic) reason that were  
23 given for terminating me. The actual --

24 Q. Ms. Lewen, but you're not disputing the

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1 fact that you did indeed send him Facebook messages  
2 with links to websites with images of the sexual  
3 positions, right?

4 A. Yes. No, I'm not disputing that. It's  
5 the truth.

6 Q. Okay. And subsequent to that you  
7 followed up with another message talking about a  
8 particular sex position that you enjoyed, is that  
9 correct?

10 A. ~~It was being on top. You're exactly~~  
11 right. It was being on top. And, again, I wasn't  
12 really talking about the sexual position of being on  
13 top. I was talking, using an analogy of, you know,  
14 it would be good for the workers there at that place  
15 to be on top instead of being beaten down.

16 Q. So the best analogy you could come up  
17 with was an explicit sexual position?

18 A. Well, because we were all speaking in the  
19 workplace with sexual innuendos when our, you know,  
20 the adjutant general had been suspended for sexual  
21 harassment.

22 Q. When did that suspension occur?

23 A. I believe it was January or February,  
24 something like that.

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1 Q. Of what year?

2 A. Of 2016. And as I said I don't remember  
3 if he was Joseph James or James Joseph. But he had  
4 been only in that position for a few months and then  
5 that's when he had the sexual harassment thing.

6 Q. Did you send sexually explicit messages  
7 to anybody else other than Barry Blazek?

8 A. No.

9 Q. Had you spoken with your colleagues in  
10 ~~this sexually explicit manner that you've said others~~  
11 were engaged in?

12 A. We all joked about -- I mean, we were  
13 nightshift workers for one thing, you know, sleep  
14 deprived half the time, working short staffed half  
15 the time. And we did have comradery and we did joke  
16 with each other. I mean, even for that matter my  
17 supervisor, Raymond Ham, joked with me. I was, you  
18 know, a single woman living at home, you know, alone.  
19 And he joked with me that rather than looking for a  
20 husband or a man to date or something, he joked with  
21 me that I should just hire, put in a swimming pool  
22 and hire a pool boy, or whatever -- it was a joke. I  
23 took it as a joke. I considered it a joke.

24 Q. So you did not feel --

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1           A.     I did not --

2           **Q.     -- bullied by these comments?**

3           A.     I did not feel intimidated. I did not  
4 feel bullied, harassed, sexually harassed, nothing  
5 like that. I thought it was funny. The way that he  
6 said it to me, I thought I was funny.

7           **Q.     Did the fact that Barry Blazek did not**  
8 **respond to numerous messages, including the 40 you**  
9 **sent him in the course of 24 hours, did that make you**  
10 ~~**realize that perhaps your comments were not taken as**~~  
11 **funny?**

12           A.     At a certain point I realized they  
13 weren't taken as funny -- and, obviously, I confided  
14 in him that I had been the person to make the  
15 anonymous complaint to the Department of Health; and  
16 I confided in him that I had made the complaint to  
17 the attorney's office. And, obviously, at a certain  
18 point I probably did realize that that was the person  
19 that I should not have confided in.

20           **Q.     What made you realize that?**

21           A.     When I got terminated on a complaint, on  
22 this trumped-up Barry Blazek -- and he, himself,  
23 testified at the civil service and the unemployment  
24 compensation hearing that he never actually

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1 complained about my behavior to administration.

2 Q. Ms. Lewen, you sent a letter to his  
3 estranged wife. I think it was in the beginning  
4 of --

5 A. Yes.

6 Q. -- March of 2016?

7 A. Right. But I think it was actually  
8 February of 2016, I think.

9 Q. So you send his estranged wife a letter  
10 with information about her soon to be ex-husband?

11 A. Uh-huh.

12 Q. Do you have any thoughts now that it's  
13 been a few years since you did that as to how  
14 inappropriate that was?

15 A. First of all, I'm going to object to the  
16 grounds of relevance because it happened off-duty,  
17 but, no -- given time to think about it, no. If I  
18 ever saw a woman who might be in danger because of  
19 something that her ex-husband was doing, I would  
20 stand up and I would try to help that person again.  
21 I don't regret trying to, you know, being concerned  
22 about that. I don't regret that at all.

23 And as I said, I was off-duty. She never  
24 complained. He never complained, you know, it was



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1 something that Barbara Raymond, you know, twisted  
2 around to try and make it into some sort of workplace  
3 violence, you know, policy violation to get me out of  
4 there because of the fact that I was voicing too many  
5 concerns about the elder abuse and neglect.

6 Q. Do you see a problem with the fact that  
7 you did an independent Internet research about  
8 Mr. Blazek's children?

9 A. It took about 30 seconds from the  
10 information he had on his dating profile to see, you  
11 know, that this was a single woman living at home  
12 with two kids and the exact address of where she was  
13 at. I don't see a problem with that, no. I don't  
14 see a problem with that.

15 Q. Okay.

16 A. What I see a problem with and what I have  
17 always seen a problem with was that these off-duty  
18 things that were certainly my right to be expressing  
19 concern for this person's well-being were twisted  
20 around and used as protectural (sic) reasons to  
21 terminate me from the workplace to get me out of  
22 there, you know, swiftly, quickly, you know, and just  
23 make an example of me. You know, they made an  
24 example of, this is what happens to people who voice



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1 concerns about our abuse and neglect. This is what  
2 happens.

3 Q. A few moments ago you had testified  
4 that -- I believe, and I don't want to put words in  
5 your mouth, that I think you said that Mr. Blazek  
6 never complained about the messages that you sent  
7 him, is that correct?

8 A. Right. He did not complain to the  
9 administration at the Soldiers' and Sailors' Home.

10 Q. Okay. So do you disagree with the  
11 following statement that "On or about March 7, 2016,  
12 Blazek submitted a written complaint to the  
13 appointing authority about appellant's Facebook  
14 messages in her letter to his wife"?

15 A. There was something that -- I don't know  
16 if he actually -- I mean, he testified that he  
17 submitted it, but that was after I was removed from  
18 the workplace. I was removed on March 2nd, and then  
19 he had testified later that he had not actually  
20 complained about me to them. He had mentioned what  
21 was going on to the co-worker and then that co-worker  
22 went to, I guess, to HR or Barbara Raymond or  
23 whatever.

24 But that thing that he allegedly

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1 submitted on March the 7th was just a few little  
2 cherry-picked things from the Facebook messages, and  
3 it wasn't signed by him and it was typewritten, and  
4 then the typewritten name Barry Blazek and then later  
5 he did say, yes, it was him. How much of that was  
6 truthful testimony on his part and how much of it was  
7 just because he was trying to save his job, I don't  
8 know.

9 But going by what he said, he did type

10 ~~that up myself and submitted it on March, whatever~~  
11 the date was on it. It was about a week after I  
12 was -- after they suspended me prior to the formal  
13 termination.

14 Q. Okay. Why do you believe that he was  
15 trying to save his job?

16 A. Because of excessive absences and -- I  
17 believe there was also some other disciplinary  
18 actions, but it was mainly excessive absenteeism. As  
19 I said it's important to know the context of what was  
20 going on. It was all over Facebook at the time how  
21 his ex-wife wasn't cooperating with him with the  
22 visitation of the kids, and it was almost as if she  
23 was going out of her way to not be cooperative with  
24 him; and so he was ending up calling off in order to

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1 be able to visit with his children and he was in  
2 trouble.

3 And, eventually, later that year he did  
4 end up going to the Veteran's Administration, I  
5 understand, from what I heard from someone else. But  
6 for that brief time period, he went from being  
7 somebody with his head on the chopping block to being  
8 Barbara Raymond's star witness in this termination of  
9 me on these protectural (sic) reasons.

10 Q. ~~Did he confide in you about the issues of~~  
11 visitation or did you learn of this by looking on his  
12 Facebook page?

13 A. He was just really blasting her on  
14 Facebook. He had copied some text messages between  
15 himself and his ex-wife and posted them on Facebook.

16 Q. So it was your assumption that he was  
17 missing work because of his visitation; he never  
18 actually told you that?

19 A. I guess you would say it was an  
20 assumption. He was pretty open about it but, I  
21 guess --

22 Q. Ms. Lewen, I did say it was an  
23 assumption. Would you agree with me that it was an  
24 assumption?

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1           A.     I guess I do. I don't know that he did  
2 actually specific say directly to my face -- no, I  
3 take that back. He did actually say to my face one  
4 day when we had a face-to-face conversation on Unit D  
5 of the nursing home. He did say to my face that it  
6 was because of what his ex-wife was doing. I have no  
7 proof to prove that conversation.

8           **Q.     If you recall, what did he say to you?**

9           A.     He said she was driving him crazy with  
10 ~~not cooperating with the visitation, with his work~~  
11 schedule, not being flexible with the visitation  
12 schedule in regards to his work schedule, and so  
13 there was that conversation. But then there were  
14 also the things that he had posted on Facebook, you  
15 know, publicly about how uncooperative she was being,  
16 and the stress that it was causing on his life and  
17 insomnia and other symptoms of stress.

18           **Q.     Okay. So he was posting this on a public**  
19 **profile, but he wasn't confiding in you with regards**  
20 **to these specific things, right?**

21           A.     Well, that one conversation on Unit D  
22 that was face-to-face that I don't have any evidence  
23 of, you know, he did confide to me face-to-face. He  
24 confided to everybody in the workplace face-to-face.

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1 He was very talkative about what was going on with  
2 his ex-wife.

3 Q. How many conversations, other than the  
4 one that you just mentioned on Unit D, did you have  
5 with Barry Blazek?

6 A. About what was going on with his ex-wife?

7 Q. Yes.

8 A. Two that I can remember. The other one  
9 was on Unit A, again a very brief conversation during

10 a shift change.

11 Q. Okay. So two brief conversations and  
12 numerous, numerous Facebook messages that were not  
13 responded to. Do you see how that could create  
14 hostility in the workplace?

15 A. I don't think so, because we very rarely  
16 saw each other, number 1; and Number 2, I think's  
17 it's the type of thing to where -- again like a  
18 progressive disciplinary action would have maybe  
19 resulted in scheduling it to make sure that we never  
20 crossed paths with each other; but instead -- you  
21 know, the thing that never really sat well with me is  
22 they took me off the schedule just so suddenly  
23 leaving the place short staffed on a Friday night;  
24 that wasn't in the best interest of those residents.

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1           This whole thing, you know, that was  
2   between Barry Blazek and I off duty, you know, really  
3   truly it could have been handled differently had they  
4   wanted to handle it differently. They didn't want to  
5   handle it differently because they were looking for  
6   protectural (sic) reasons to fire me because of the  
7   fact that I had placed concerns about the elder abuse  
8   and the elder neglect. It could have been handled  
9   much differently. It should have been handled much

10 ~~differently but it wasn't.~~

11           **Q.     Okay. We previously touched on the**  
12 **comments about getting a gun and shooting somebody**  
13 **and you had indicated that it was meant to present a**  
14 **possibility, but it's not something that you would**  
15 **do?**

16           **A.     Right. I was voicing alarm.**

17           **Q.     But you understand that in today's**  
18 **society that is an inappropriate analogy to make?**

19           **A.     No, I don't think that that's a very**  
20 **inappropriate analogy to make. I think that it's**  
21 **important that we should possibly try to prevent**  
22 **these situations from happening rather than reacting**  
23 **to it afterwards.**

24           **Q.     Okay.**

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1           A.     There is no place in today's society for  
2 workplace violence by supervisors or administrators  
3 or anybody else.

4           Q.     Other than that one incident that you  
5 mentioned with Mrs. Cabreira regarding the workplace  
6 violence, are there other ones that we have not  
7 touched on yet?

8           A.     Other what? Workplace violence?

9           Q.     Examples of workplace violence, yes.

10          A.     ~~Involving me personally, no. But I was~~  
11 aware of a situation involving a nurse assistant -- I  
12 can't even think of her name. I think her last name  
13 was Goodwine. But I hate to even tell you that  
14 because if you mention it to Barbara Raymond, she's  
15 liable to be harassed again. Let's just say that  
16 there was a nurse assistant that they hounded and  
17 hounded and hounded, really for no reason other than  
18 because they were just -- Barbara Raymond and one of  
19 the assistant director of nurse's named Nancy  
20 Flannigan seemed to just kind of, like they had a  
21 need to pick on people for --

22          Q.     Were you present for any of the  
23 interactions that they had with Ms. Goodwine?

24          A.     I was present later on that night after



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1 one of them had happened. She had gone, apparently,  
2 to a doctor's office visit with one of the residents  
3 and --

4 Q. Who?

5 A. Ms. Goodwine.

6 Q. Okay. Can you tell me a date,  
7 approximate date?

8 A. I can't, no.

9 Q. So it was at some point in the year and a  
10 half that you worked --

11 A. At some point, yeah.

12 Q. And just to be clear, you did not  
13 actually witness an interaction between Ms. Raymond  
14 or Ms. --

15 A. What I witnessed was the aftermath where  
16 this nurse assistant was saying I guaranty you if  
17 they talked like this to me off duty, I would -- I  
18 mean, excuse my language but she would say, like, I  
19 would beat their ass if they treated me like that,  
20 you know, let's take this off the property, you know.  
21 And I guess I just felt like, you know, they should  
22 think about these things before they treat people  
23 subhumanly.

24 Q. Any other instances of workplace violence



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1     **that you either observed or were a victim of?**

2             A.     No, not that I can recall.

3             Q.     Okay. Ms. Lewen, who was Rhonda  
4     **Wilkenson?**

5             A.     She was an RN who worked at the Soldiers'  
6     and Sailors' Home.

7             Q.     Is there anything that you can tell me  
8     **about her that pertains to your employment there or**  
9     **your subsequent termination from there?**

10            A.     I know that she had said to me fairly  
11     shortly before I was terminated -- she was frustrated  
12     one evening. I had come on for the night shift and  
13     she had been working the evening shift, and she was  
14     frustrated because she had been told by the evening  
15     shift supervisor that part of her responsibility was  
16     to keep an eye on Barbara Raymond's sister, who was a  
17     nurse assistant there, who allegedly she was in some  
18     sort of a relationship with a male nurse assistant  
19     and allegedly they would sometimes go off in  
20     different places; and they would have sex on the job  
21     but because she was the administrator's sister she,  
22     you know, didn't get in trouble for it or whatever.

23                   And Rhonda Wilkenson had told me on that  
24     particular evening that she was just tired of, you

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1 know, that shouldn't be part of her responsibility to  
2 babysit the administrator's sister to make sure she  
3 wasn't having sex on the job with another nurse  
4 assistant.

5 **Q. When did she tell you this?**

6 **A.** I don't know the date. I actually had --  
7 the day of my PDC I actually filled out a witness  
8 statement and turned it in regarding what she had  
9 said.

10 **Q. And that was a PDC that you chose not to**  
11 **attend?**

12 **A.** No, that was the PDC that I attended, the  
13 ones after -- surrounding my termination. They  
14 scheduled two PDCs and I attended both of them. And  
15 at one of them towards the end I had mentioned about  
16 that, and they said fill out a witness statement and  
17 turn it in; so I did.

18 **Q. Do you know if anything came of it?**

19 **A.** I have no idea. I was terminated.

20 **Q. Okay. Did you have any personal**  
21 **knowledge about these claims of having sexual**  
22 **relations --**

23 **A.** No, I didn't --

24 **Q. One moment. -- between Barbara Raymond's**

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1 sister and another employee?

2 A. No, other than just the rumors in the  
3 workplace.

4 Q. Other than Rhonda Wilkenson mentioning it  
5 to you, did you hear it from anybody else?

6 A. Oh, yeah, many people talked about it. I  
7 can't really think of any particular names, but,  
8 yeah, it was pretty much common knowledge among  
9 certain people at least that there was a rumor of

10 that. I don't know if they did -- apparently, from  
11 what the rumor was, that they would go in some  
12 stairway and they would have sex.

13 Q. But you never saw it?

14 A. I never saw it, no. I don't really even  
15 know those people. I know who her sister is, but I  
16 don't know, you know, I never really worked that  
17 shift that much.

18 Q. Okay. I think we covered this, but I  
19 just want to make sure that I have the dates  
20 straight. When did you contact the Department of  
21 State regarding certain deficiencies at the  
22 Pennsylvania Soldiers' and Sailors' Home?

23 A. The Department of Health you mean?

24 Q. The Department of Health, yes.

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1           A.     I believe that was at the end, that was  
2     in November. And then they came in on my complaint  
3     the first week of December of 2015.

4           Q.     And you sent them a letter?

5           A.     I did it online. They have an online  
6     recording system.

7           Q.     Okay. Before they came in in December of  
8     2015, did you receive a response, either  
9     automatically generated or a specific response?

10          A.     From the Department of Health?

11          Q.     Yes.

12          A.     I don't want to swear to it, but I think  
13     that they might have sent like an automated  
14     response-type thing. I don't want to swear to it.  
15     After they came in they did send me a written  
16     response saying that they had found four  
17     deficiencies, and that was public knowledge anyway.  
18     It was posted on the website.

19          Q.     Did you tell anybody about the complaint  
20     that you filed with the health department?

21          A.     I told Barry Blazek in the Facebook.

22          Q.     How soon after the filing of the  
23     complaint in November of 2015 did you tell him in the  
24     Facebook messages?

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1           A.     I don't remember exactly, but it was  
2 around that same time period.

3           Q.     Did he acknowledge receipt of the message  
4 or respond in any way?

5           A.     No, not that I recall.

6           Q.     Were you interviewed as part of the  
7 investigation conducted by the health department?

8           A.     No, I was not.

9           Q.     Ms. Lewen, if you recall, you sent me an  
10 e-mail earlier in the month with some public facebook

11 postings and discussions about ghosts, and you had  
12 mentioned that, you know -- and I'm quoting from the  
13 e-mail -- "believe me when I say that on a good day I  
14 do notice ghosts; but when I get sleep deprived, I  
15 have a unhealthy awareness of ghosts."

16           A.     Yes.

17           Q.     Could you explain to me the reason why  
18 you sent me that e-mail so that I can have a better  
19 understanding?

20           A.     Just to update you on my mental health  
21 status, because nobody's really asked recently.  
22 Even, you know, you're all aware of the fact that I  
23 suffered a nervous breakdown in the year 2016 and  
24 '17; no one's asked lately, you know, how's your

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1 mental health status doing. And, again, that kind of  
2 goes back to where, you know, originally I did  
3 volunteer my situation as a nonviolent person.

4 I think hopefully the Commonwealth  
5 Pennsylvania State Employees will learn from this  
6 somehow, I would hope; that these legal situations,  
7 you know, this is all just in a day's work for you,  
8 but this does effect people's lives.

9 Q. Certainly. And I understand that it  
10 does. ~~The notion of seeing ghosts when did that~~  
11 begin?

12 A. I don't see ghosts. I'm one of those  
13 types of people where -- I'm sensitive. I don't have  
14 a shingle hanging outside of my door that says  
15 "psychic" or anything like that, but I've always been  
16 sort of sensitive to spiritual things. Now, when I  
17 get sleep deprived, I get hyper spiritual and in an  
18 unhealthy way. I mean, it's certainly not something  
19 that I enjoy but that's -- I was just trying to  
20 explain that to you, that even on a good day I'm  
21 aware of spiritual things.

22 But on, you know, let me get all stressed  
23 out and sleep deprived and I think that that's --  
24 personally, I think that that's what happens to a lot

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1 these people and maybe that's something we could help  
2 prevent in our society, exercise kindness. And if  
3 this situation had settled almost immediately after  
4 it happened instead of going on four years now, you  
5 know, maybe in certain situations it might prevent  
6 violence in our society.

7 **Q. What do you mean by that?**

8 A. Well, I mean, as I said all along, use me  
9 as an example, okay, of maybe some of the problems

10 ~~within, you know, the litigation system of how rather~~

11 than trying to mitigate a person's mental health  
12 issue, everything is litigated, you know. I don't  
13 know. I don't really have anything more to say about  
14 that.

15 **Q. Okay. You filed the federal complaint in**  
16 **this particular case voluntarily, did you not?**

17 A. Yes, I did.

18 **Q. So you initiated the lawsuit? Yes?**

19 A. Yes, I did. And, honestly, because of --  
20 if you look back at what I found, because of the  
21 conflict of interest involved, honestly, when I filed  
22 this lawsuit in June of 2017, I really truly thought  
23 that it would be settled almost immediately.

24 I had no concept that the Attorney



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1 General civil litigation side would defend so  
2 vigorously, you know, a defendant who had retaliated  
3 against a person, who had committed elder abuse and  
4 neglect to the Pennsylvania Attorney General Criminal  
5 Division. You know, I just had no concept of that.  
6 I really truly thought that by the end of the summer  
7 of 2017 that we would be in settlement talks. I had  
8 no idea that it would going on almost on to the year  
9 2020 now. And I know you're new to the case.

10 **Q. I am familiar with the history of the**  
11 **case. But how -- strike that. Why do you believe**  
12 **that you were retaliated against by Barbara Raymond?**

13 A. Because of the --

14 **Q. Or was it even Barbara Raymond; was it**  
15 **somebody else?**

16 A. No, Barbara Raymond and the other  
17 administration that were involved in it. But Barbara  
18 Raymond. Because of the proximity of me voicing my  
19 concerns and then what happened there with the  
20 termination.

21 **Q. I'm sorry, could you say that one more**  
22 **time. The proximity to what?**

23 A. The proximity of when I voiced my  
24 concerns regarding the elder neglect and abuse to,



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1 you know, then the subsequent employment termination.  
2 It was a matter of just within a, you know, from  
3 November to March 2nd, you know, it -- what is that,  
4 three months? It wasn't like it stretched out over a  
5 year or two years or anything, you know, boom, I  
6 voiced the complaints and within just a short period  
7 of time, I was terminated.

8 Q. How do you know that Ms. Raymond was  
9 aware of the complaints that you voiced if some of  
10 them were anonymous?

11 A. Well, I would assume -- she testified  
12 that she terminated me based on the content of  
13 Facebook messages, that was the stated reason that  
14 she gave. There was no argument about that. She  
15 said -- when she testified at the unemployment  
16 compensation hearing. I would assume if she was any  
17 kind of a prudent administrator, that she would have  
18 read the entirety of what she was terminating me on.  
19 You know, I would assume that she didn't just pick  
20 and choose different pages to read but not, you know,  
21 if you look through those interrogatories that I  
22 answered, I said a lot to Barry Blazek about my  
23 complaints to the regulatory authorities. I think  
24 it's hard to think that she didn't read those things.

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1           Q.     So it is your belief that she found out  
2 about the complaints through the Facebook messages?

3           A.     Through that and then also the one e-mail  
4 that I had sent to Kevin McGloughlin about resident  
5 dignity issues with the sexual relation. That was  
6 forward -- that was a group e-mail to all nursing  
7 staff and then --

8           Q.     Is that the group e-mail that included  
9 the phrase "bloodshed I fear might happen at one day  
10 at PSSH"?

11          A.     No, that was in the Facebook messages to  
12 Blazek, the off-duty Facebook messages. The e-mail  
13 to Kevin McGloughlin was distributed to all nursing  
14 staff. It was generated -- it was originated by him  
15 and I responded to him about how some of these  
16 residents -- I named actually one of them, I believe,  
17 by name. I felt that if they looked at how his -- he  
18 had taken a cognitive status test that it was  
19 probably administered by a psychologist. I thought  
20 that these people might actually be sexual assault  
21 victims not able to consent to sexual relationships.  
22 And, of course, the facility contributory neglect  
23 thing that I submitted to my supervisor. She didn't  
24 deny that she read that.

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1           **Q.     Who didn't deny?**

2           A.     Barbara Raymond.  Recently when sh  
3           answered these two most recent interrogatories, she  
4           said that she didn't respond to it because it wasn't  
5           a complaint, but she didn't deny that she had read it  
6           or that she knew of it's existence or whatever.  She  
7           said that I had chosen not to go to my PDC and,  
8           instead, I submitted that.

9           **Q.     Why did you choose not to go to your PDC?**

10          A.     Because I felt like I didn't really have  
11          anything more to say about it.

12          **Q.     But you were aware that that was an**  
13          **opportunity for you to present your case, correct?**

14          A.     Right.  But you have to realize that  
15          these PDCs are held in the morning after you worked  
16          all night long and, you know, I felt like there  
17          wasn't really anything that I could say orally after  
18          I had worked all night long that I couldn't better  
19          say in writing.  And that's why I submitted that  
20          instead of attending the PDC in person.

21          **Q.     Did you ask to have the PDC moved to a**  
22          **day where you did not work the night before?**

23          A.     No, I did not.  As I said I thought that  
24          that written submission would be sufficient.

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1 don't know if you need to use the bathroom or get a  
2 drink of water, but I'm going to place you on mute  
3 for a few moments. We're going to go off the record,  
4 and then I'll come back and hopefully be done here  
5 shortly. Okay?

6 A. Okay.

7 Q. So it's 11:35 now. How about we come  
8 back at 11:40?

9 A. Thank you very much.

10 Q. I'm going to put you on mute and then  
11 come back in five minutes.

12 A. Okay.

13

14 (Five-minute break was taken)

15

16 Q. I just have a few follow-up questions and  
17 then we're going to be finished here for the day.  
18 Going back a little bit to the Facebook messages  
19 between you and Mr. Blazek and you're perceived  
20 understanding of why he was missing work and his  
21 employment may have been jeopardized.

22 A. Uh-huh.

23 Q. Do you recall on February 29th he, he  
24 being Mr. Blazek, sent you a message in which he says

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1    this ongoing one-sided relationship has become such a  
2    distraction to me. I can't allow it to continue.  
3    That was part of a fairly long message that he sent  
4    to you. Do you recall this?

5           A.     Vaguely, yes.

6           Q.     Okay. So would you agree with me that  
7    his job may have been impacted by the constant  
8    communication, the one-sided communication he  
9    mentioned in this message?

10          A.     I actually disagree. As you said you  
11   know sometimes it's best to agree to disagree. I  
12   think that he did use me as a way to save his on job  
13   until he could actually get out of there without  
14   being terminated for his absenteeism.

15          Q.     He's no longer working at the home?

16          A.     No, he left around like December of 2016.

17          Q.     And how do you know that?

18          A.     Another person told me that, that I ran  
19   into.

20          Q.     Who was this other person?

21          A.     Actually, quite honestly, I don't even  
22   know her name. It was a nurse assistant. And,  
23   apparently, he went to work at the VA. It was a day  
24   shift nurse assistant, but I don't know her name, to

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1 be quite honest.

2 Q. Did she volunteer the information or did  
3 you seek it out?

4 A. She volunteered it.

5 Q. Where did you see her?

6 A. At Wal-Mart.

7 Q. Okay. And when did you see her?

8 A. Oh, that was a long time ago now, that  
9 was in the year 2017. I don't even know the date.

10 Q. Okay. Ms. Lewen, I want to thank you for  
11 your time. I think that's all the questions that  
12 have. So we are finished for today.

13 A. Thank you.

14

15 (Deposition concluded at 11:43 a.m.)

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1 I, ELLEN M. MUIR, a Commissioner of the State  
2 of Rhode Island, do hereby certify that NANCY  
3 ELIZABETH LEWEN came before me on the 23rd day of  
4 December 2019, at CATUOGNO COURT REPORTING SERVICES,  
5 INC., 155 South Main Street, 2nd Floor, Providence,  
6 Rhode Island, and was by me duly sworn to testify to  
7 the truth and nothing but the truth as to her  
8 knowledge touching and concerning the matters in  
9 controversy in this cause; that she was thereupon

10 examined upon her oath and said examination reduced  
11 to writing by me; and that the statement is a true  
12 record of the testimony given by the witness, to the  
13 best of my knowledge and ability.

14 I further certify that I am not a relative or  
15 employee of counsel/attorney for any of the parties,  
16 nor a relative or employee of such parties, nor am I  
17 financially interested in the outcome of the action.

18 WITNESS MY HAND this 12th day of January, 2020.

19

20

21

22

23

24

Ellen M. Muir

Commissioner of the

State of Rhode Island

My Commission expires:

November 30, 2021

